



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the third periodic report of Paraguay

Addendum

Information received from Paraguay on follow-up to the concluding observations*

[Date received: 10 May 2014]

1. Paraguay would like to make the following comments on paragraphs 8, 14 and 23 of the concluding observations on the third periodic report of Paraguay, adopted by the Committee at its 107th session (11–28 March 2013), pursuant to the request contained in paragraph 29 of that document.

8. *The Committee is concerned that judicial investigations have not yet been completed in many cases of violations of the right to life, including disappearances, torture, extrajudicial executions and illegal detention under the dictatorship of General Alfredo Stroessner (1954–1989) and during the transitional period up to 2003. The Committee is concerned about the inequitable practices that have been identified and pointed out in proceedings to grant reparations and compensation to the victims of such violations. Finally, the Committee regrets that the State party does not have the material and human resources needed to identify the remains discovered in the course of investigations into enforced disappearances (arts. 2 and 6).*

2. In its capacity as the body responsible for making recommendations on the appropriateness of granting compensation under Act No. 838/96 on the compensation of victims of human rights violations committed during the dictatorship of 1954–1989 and its amendments and extensions, the Office of the Attorney General of the Republic is in the process of modifying the criteria for awarding compensation, with a focus on substantiated judgement, rather than on considerations of cost. The recommendations for the Ombudsman's Office regarding the final compensation decision should thus be improved and streamlined.

* The present document is being issued without formal editing.



3. As to the duration of the process, the Office of the Attorney General of the Republic has issued Resolution No. 234 of 27 September 2013 (attached), establishing an internal deadline for the issuance of opinions relating to these cases, within the time limits prescribed by law.
4. As part of the investigations into the various criminal cases brought for human rights violations during the former dictatorship, the judiciary has taken the appropriate action prescribed by law through its courts and tribunals and has requested up-to-date information on the court proceedings in each of the cases brought before 2013 from the competent judicial bodies, through the Human Rights Directorate of the Supreme Court of Justice. Official documents and the records of each court or tribunal are annexed.
5. In connection with the case against Sabino Augusto Montanaro et al. for abuse of authority and other offences, in February 2014, No. 5 Criminal Court began efforts to search for the members of the Movimiento 14 de Mayo (14 May Movement) who had been victims of enforced disappearance; the Human Rights Directorate of the Supreme Court of Justice participated in the search in its technical advisory capacity.
6. Representatives of the Court have joined forces with agents of the Special Unit on Human Rights Offences of the Public Prosecution Service, the Criminal Investigation Unit of the National Police and the national team to investigate, search for and identify persons detained and disappeared or extrajudicially executed from 1954 to 1989 to permit the exhumation, if appropriate, of the remains of suspected detained and disappeared detainees or victims of the dictatorship of 1954–1989. These remains are allegedly buried in the grounds of the Tapyta estate in the town of Ava'i in the department of Caazapá.
7. In respect of the facts for which these cases have been brought, the judiciary considers itself bound by the operative part of Inter-American Court of Human Rights judgement of 22 September 2006 in the *Goiburú et al. v. Paraguay* case, and by the subsequent case law applicable to Paraguay, namely that there is an international obligation for “the State [to] proceed immediately to seek and locate [the disappeared persons] and, if their remains are found, [to] deliver them to their next kin forthwith and cover the costs of their burial” (operative para. 6).
8. Within this legal context, the Human Rights Directorate of the Supreme Court of Justice has helped to institute proceedings to find the disappeared persons concerned by the case, in support of the relevant efforts undertaken by No. 5 Criminal Court.
9. In addition to its efforts through the courts, the judiciary has implemented a number of programmes and projects to promote, uphold and protect human rights. In an attempt to restore the historical memory among the general population and improve the administration of justice in Paraguay, the Supreme Court of Justice has also established the Museum of Justice and Documentation Centre and Archive for the Defence of Human Rights, thereby creating a forum to promote values and education so as to shield the country, both now and in the future, from the persistence of practices that undermine human rights and the institutional structure of the Republic as recognized in the provisions of the Constitution.
10. In May 1992, the Second Circuit Criminal Court set a legal precedent in this respect when it handed down the first sentence convicting those responsible for the death of Mario Schaerer Prono in police custody. In June 1992, the Constitution was promulgated; it sets forth that “no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. No statutory limitation shall apply to genocide or torture, or to enforced disappearances, kidnapping and murder for political reasons” (art. 5) and provides a new guarantee of *habeas data* (art. 135) in addition to the existing constitutional guarantees of unconstitutionality, habeas corpus and *amparo*. In September 1992, Martín Almada, represented by the Comité de Iglesias de Ayuda para Emergencia (Committee of Churches for Emergency Relief), made use of his constitutional rights by invoking this article and

submitting a claim for *habeas data* before the Third Circuit Criminal Court, which led to discovery of the “Archives of Terror”. In November 1992, he brought a case against the sole director of the Directorate for Technical Affairs of the Ministry of the Interior.

11. It was in this context that between 22 and 24 December 1992 one of the most significant events of the Paraguayan transition took place. Judges José Agustín Fernández and Luis María Benítez Riera searched the Metropolitan Police Investigation Department and the Directorate for Technical Affairs of the Ministry of the Interior. Documentation dating from 1927 to 1989 was found during these searches. By order of the judges, the documents were taken to the Courts of Justice for further examination and for use by judges as evidence in the various cases of human rights violations that had been brought before the courts and were under investigation. Following this discovery, Mr. Fernández, the current director of the Museum of Justice, prepared a report in which he stated that:

“On 14 September 1992, at 8.10 a.m., an application for *habeas data* by Dr. Martín Almada, represented by lawyers Pedro Darío Portillo and Rodolfo Aseretto, was submitted to the Third Circuit Court of First Instance and received by court clerk Julio Vasconsellos. On 22 December 1992, as part of the proceedings, a search warrant was issued for a police station identified as the Police Investigation Department. The petitioner for *habeas data*, the judge José Agustín Fernández, and his court clerk, Julio César Vasconsellos, were present at the search along with many radio, newspaper and television reporters. In response to police resistance, the judge forced entry into the building asserting that ‘by the authority vested in me by the Constitution and by law, I order you to grant me access’”.

12. In view of the number and size of the documents discovered, Judge Fernández summoned duty judge, Luis María Benítez Riera, presiding judge of the Second Circuit Court of First Instance, who attended the scene and assisted Judge Fernández in his work. After a cursory examination of the documents, he ordered the files to be transferred to the Courts of Justice; after 10 hours of painstaking work, the documents were taken to the office of Judge Fernández, where the first attempts to classify their contents began.

13. The actions of Mr. Almada undoubtedly represent the first attempt in Paraguayan history to achieve justice using the constitutional concept of *habeas data*.

14. The Human Rights Directorate of the Public Prosecution Service is examining the documents relating to the events of 1954 to 1989, which have been transferred to the Prosecutor-General’s Office by the Directorate-General for Truth, Justice and Reparation, an agency of the Ombudsman’s Office. The aim is to determine whether any cases involving any of the victims were before the courts under the previous criminal justice system in order to refer them with a recommendation to the Special Unit on Human Rights Offences for investigation as appropriate under the current legal provisions.

15. The national team to investigate, search for and identify persons detained and disappeared or extrajudicially executed from 1954 to 1989 (ENABI) was established by Presidential Decree No. 7101 of 11 August 2011; it is currently coordinated by the Directorate for Reparation and Historical Memory, under the Human Rights Directorate-General of the Ministry of Justice, in accordance with Presidential Decree No. 10970 of 18 April 2013 (as was duly reported to the Committee).

16. Although the national team lacks a budget, it has managed to secure public funds to enable it to continue to fulfil its mandate. The funds have been deposited with the Ministry of Justice and the Ministry of Finance. They will be made available once the current procedure to appoint a civil society institution to administer them has been completed.

17. Despite these budgetary restraints, since 2011 the Directorate-General for Truth, Justice and Reparation of the Ombudsman’s Office and subsequently the national team

have conducted excavations and exhumations, which have so far come up with 27 skeletal remains: 1 in Villarrica (Guairá), 2 in Paraguairí (Paraguairí), 5 in Carlos Antonio López (Itapúa), 15 in the Special Branch of the National Police (the former security guard, Asunción), 2 in Tavaí (Caazapá) and 2 in María Auxiliadora (Itapúa).

18. These remains are preserved at the forensic laboratory of the Public Prosecution Service pending identification.

19. There are plans to continue excavations based on statements taken from the families of victims of disappeared persons at the Special Branch site, at the premises of the National Police in Lambaré (Central department), and on a site belonging to army regiment RI 14 in Asunción. There are also plans to excavate several sites in the Departments of Itapúa, Caazapá, Alto Paraná, Cordillera, Misiones, San Pedro and a site in the city of Villarrica. A total of more than 20 sites are due to be excavated, including both individual and mass graves.

“14. The Committee is concerned about reports that the neighbourhood watch committees set up in the departments of Caaguazú, Canindeyú and San Pedro have been involved in illegal detentions, death threats, house raids, murders and attempted murders, torture and ill-treatment, as well as in activities aimed at protecting drug traffickers and cigarette smugglers. The Committee is also concerned that no progress has been made in the investigation into the 2006 murder of Luis Martínez, a campesino leader of the Kamba Rember community who had criticized the committees (arts. 6, 7, 9 and 14)”.

20. In this respect, we should first of all inform the Committee that the Ministry of the Interior has a directorate for civic participation whose role is to encourage civic participation by helping citizens to organize, for example in neighbourhood watch committees, to strengthen joint efforts by supporting civil-society initiatives, to help citizens exercise their rights and fulfil their obligations and encourage better relations between the general public and the police with a view to making communities safer.

21. There are 6 neighbourhood watch committees in the department of Canindeyú, some 20 in the department of Caaguazú and 11 in the department of San Pedro. The committees are completely independent from the local authorities, as provided for in Municipal Organization Act No. 3966/10, which stipulates that the committees are not entitled to exercise functions that are the sole preserve of the national police or the Public Prosecution Service, and if they do so, they are liable to investigation for wrongful exercise of State authority.

22. In respect of the investigation into the murder of Cesar Luis Martínez Romero in 2006, it should be noted that the case is filed under “Tomas Dos Santos Micosky et al. s/ H.p. in Kamba Rember – General Resquín” and has been assigned to the Special Unit for Environmental Crimes of the Second Department of San Pedro in the Santa Rosa del Aguaray district Prosecutor’s Office.

23. Officials of the Public Prosecution Service and the police went to the Kamba Rember settlement in General Resquín district on 12 July 2006 to exhume the body of César Luis Martínez Romero; the prosecutor subsequently brought preliminary charges against Tomas Dos Santos Micosky for intentional homicide, thereby beginning the investigation stage of proceedings.

24. On 19 April 2007, the Public Prosecutor laid formal charges against the defendant, Tomas Dos Santos Mikosky, for the punishable act of wilful homicide, and requested the *amparo* criminal court to commence oral and public trial proceedings. On 24 October 2007, a preliminary hearing was held before the *amparo* criminal court, which, under

interlocutory order No. 772, dated 24 October 2007, granted a stay of proceedings against Mr. Mikosky on the following grounds:

“In order to conduct a detailed analysis of the records of the proceedings, as well as of the arguments set forth by the Public Defender in the preliminary hearing before the court on this date, and in view of the Public Prosecutor’s objection to the Public Defender’s request, and having verified the exculpatory evidence submitted by the public defender, in particular the statements of witnesses who consistently declared to the Public Prosecutor that on the date and the time of the events, the accused was at a warehouse owner’s home, together with other named individuals, and that he left at approximately 10 p.m. to go home [...] (sic) [...]. In this respect, it should be noted that the procedural formality carried out in compliance with the Court’s decision of 3 November 2006 enabled the parties first of all, to see the place where the accused had been working with the witnesses who testified before the Public Prosecutor, and subsequently to visit the warehouse, where, after the accused finished work he had stayed until approximately 10 p.m. in the company of the warehouse owner and the witnesses. The only piece of evidence obtained by the prosecution is the account of a witness, who, when he testified, stated that he had recognized the accused only by his Portuguese accent – scant evidence to justify the commencement of an oral and public trial. A number of other persons named who had fired shots were also named, but they were not even summoned by the Public Prosecutor. Given the lack of evidence to substantiate the charge, and in view of the Public Defender’s request, which is based on the grounds that there are doubts about the participation of the defendant, TOMAS DOS SANTOS MIKOSKY, in the matter under investigation, and furthermore, given that there are a number of procedural formalities still to be completed, whose results could shed light on this investigation, for which the Public Defender has identified several outstanding formalities, including statements by four witnesses and other formalities that might be required as a result — which it has not yet been possible to carry out and which will serve fully to clarify the facts in the matter under investigation — together with the expert report by the Criminal Investigation Department of the National Police, and taking into account the fact that the Court will be required to resolve all issues raised after the hearings have been completed, this Court is of the view that there are sufficient factual and legal circumstances to justify granting a stay of proceedings, which requires lifting all precautionary measures imposed on the accused and the issuance of the relevant court orders to the appropriate authorities. Article 362 of the Code of Criminal Procedure provides as follows: ‘[...] STAY OF PROCEEDINGS [...] if no dismissal of proceedings is justified and there is insufficient evidence for the trial to proceed, a stay of proceedings shall be granted by means of a substantiated decision in which the specific items of proof that are to be included are expressly set forth [...]’. Taking into account the facts presented by the Public Defender, there are grounds for a stay of proceedings in the case in question under the above-mentioned article. It should be noted that moving the present case to the next procedural stage would represent an unnecessary expense for the State, given that one of the objectives of the criminal process is precisely to provide a definitive response to the defendants in a criminal prosecution and to successfully rehabilitate and integrate them into society; moreover, taking into account the fact that, in the present case, the accused at no time evaded justice but rather at all times demonstrated his willingness to subject himself to the process in order to shed light on the facts of the charges against him as outlined previously [...] and since there is doubt about the participation of the above-named accused, and since there are still a number of outstanding items of evidence to be included in the case file in order to proceed with the investigation, and reiterating that the commencement of an oral and public trial would represent an unnecessary financial outlay for the State, this Court

elects, in strict compliance with the law, to grant a stay of proceedings in favour of TOMAS DOS SANTOS MIKOSKY.”

25. On 20 April 2007, the Public Prosecutor expanded the charges against Tomas Dos Santos Mikosky to include the punishable offences of participation in a criminal association and attempted homicide, which had led to the shooting of Zacarías Vega, who was with César Luis Martínez Romero when the latter was killed, thereby initiating a second, parallel investigation, included in the same prosecution file and assigned to the same criminal unit. On 4 April 2008, the Public Prosecutor applied for a stay of proceedings on the criminal charges of attempted homicide and participation in a criminal association pending against the defendant, Tomas Dos Santos Mikosky. On 23 May 2011, the Public Prosecutor replied to a notice from the criminal court of a request by Mr. Mikosky’s public defender to dismiss the proceedings against his client, to which the prosecution yielded on the basis of the following arguments: “In the opinion of this Public Prosecutor, the evidence set out in the prosecution file is insufficient to justify proceeding to trial (indictment), and, as a result, a number of judicial formalities are still pending; consequently, in accordance with article 362 of the Code of Criminal Procedure, the Court is hereby informed of the items of evidence that are to be included in the present case: (1) expert report by the Criminal Investigation Department of the National Police concerning the bullets taken from the victim of the fatal shooting and other evidence and other information that might emerge from them; and (2) witness statements from three individuals. If these new items of evidence are sufficient to allow the prosecution to proceed, the Public Prosecutor shall apply to the *amparo* criminal court for the investigation to proceed, as stipulated in article 362, paragraph 2, of the Code of Criminal Procedure.”

26. In response to the prosecution’s application, and pursuant to interlocutory order No. 286 of 28 April 2008, the *amparo* criminal court of Santa Rosa del Aguaray decided to grant a stay of proceedings on the criminal charges of attempted homicide and participation in a criminal association pending against the defendant, Tomas Dos Santos Mikosky.

27. On 4 May 2011, pursuant to the provisions of article 359, paragraph 3, of the Code of Criminal Procedure,¹ defence counsel for Tomas Dos Santos Mikosky requested the dismissal of proceedings on the following grounds: “Since the issuance of interlocutory order No. 286 of 28 April 2008, neither of the parties has requested the reopening of proceedings, and more than three years have transpired since the suspension of the case against the above-named defendant, consequently, the required lapse of time for the extinction of the criminal action and, by extension, the dismissal of proceedings, has already been more than met, as can be certified by the court clerk.”

28. By means of a procedural decision dated 18 May 2011, the Court transmitted notice of the extinction of criminal proceedings, within the statutory time limit, to the Public Prosecutor, who accepted the request of the defence counsel for the accused on the following ground: “If, after calculating the period of time from the issuance of interlocutory order No. 286 of 28 April 2008 to the present date, the proceedings have not been reopened, the prosecution service shall consider whether to apply the last section of article 362 of the Code of Criminal Procedure to the present case.”

29. The *amparo* criminal court decided, by interlocutory order No. 254 of 24 May 2011, to extinguish the criminal action in the case against Tomas Dos Santos Mikosky and to order the dismissal of proceedings in the case, on the following grounds: “Paraguayan criminal procedure calls for the Public Prosecution Service to exercise the public right of

¹ Article 359. Dismissal of proceedings. The proceedings shall be dismissed [...] owing to the extinction of the criminal action.

action, which it must do with impartiality and diligence, safeguarding the interests of society and those of the accused person, who is an integral part thereof. Accordingly, our criminal legislation provides for a range of options for dealing with cases, and if prosecutors lack sufficient evidence for an indictment they must choose among the procedures for terminating the investigation provided for in the Code of Criminal Procedure, which, in the case in question, did not occur ... A constitutional principle recognizes the right of individuals and society to be heard and to receive a reply within a reasonable period of time. There is without question a need to establish a reasonable time period within which the competent judge must reach a decision on each case. It is unacceptable for an individual to be the subject of criminal proceedings for an indefinite period of time, as that would violate his or her basic human rights. The American Convention on Human Rights ‘Pact of San José, Costa Rica’ is part of our positive law, since it is an international convention that has been adopted and ratified by our country; article 137 of our Constitution stipulates that its provisions take precedence over national laws, including the Code of Criminal Procedure. Article 8, paragraph 1, of the Convention, sets out the right of every person to a hearing, with due guarantees and within a reasonable time, in the substantiation of any accusation of a criminal nature made against him or her; accordingly the setting of a time period or limit for the determination of a case or the extinction of criminal action, can in no way be considered, of itself, unconstitutional.”

“23. *The Committee is concerned about allegations of serious irregularities in the actions of the Public Prosecution Service, the judiciary and the security forces in relation to the police raid in Curuguaty in June 2012. In particular, the Committee is concerned about reports of a lack of impartiality and independence in the investigations into the events (arts. 6, 7 and 14).*”

30. The State party should institute an immediate, independent and impartial investigation into the deaths of 17 people during the police raid in Curuguaty on 15 June 2012, and also into all the related incidents reported by the victims, particularly torture, arbitrary detention, extrajudicial executions and possible violations of due process, including in the case of the young person who was convicted and the two heavily pregnant women held in pretrial detention.

31. Regarding the proceedings initiated and the specific procedural actions taken in the case concerning the police raid in Curuguaty in June 2012, we wish to report the following information.

32. In relation to case No. 130, “*Felipe Benítez Balmori et al., concerning alleged punishable acts of wilful homicide, attempted wilful homicide, gross injury, participation in a criminal association, coercion, severe coercion and invasion of property, 2012 (Marina Kué estate, Curuguaty District, Department of Canindeyú)*”, the criminal action has passed from the preliminary stage to the oral and public trial stage.

33. In the relevant sections of the order to commence the oral trial, which was issued on 9 October 2013, at the preliminary hearing, the presiding judge, Janine Ríos decided *inter alia*:

- To dismiss proceedings against Juan Alfredo Caballero, Marcelo Trinidad Paredes and Miguel Ángel Correa Franco, for the reasons set forth in the preamble to the order, with the express indication that the conduct of the present proceedings shall not harm their reputation or honour;
- To uphold the charges filed by prosecutors, Jalil Rachid and Francisco Ayala Miranda, against defendants, Rubén Villalba, Felipe Benítez Balmori, Luis Olmedo Paredes, Adalberto Castro Benítez, Arnaldo Quintana Paredes, Néstor Castro Benítez, Lucía Agüero Romero, María Fani Olmedo Paredes, Dolores López Peralta, Juan Carlos Tillería Cáceres, Alcides Ramón Ramírez Paniagua and Felipe Nery

Urbina Gamarra, in accordance with the provisional classifications described previously;

- To commence an oral and public trial of the defendants, Rubén Villalba, Felipe Benítez Balmori Luis Olmedo Paredes, Adalberto Castro Benítez, Arnaldo Quintana Paredes, Néstor Castro Benítez, Lucía Agüero Romero, María Fani Olmedo Paredes, Dolores López Peralta, Juan Carlos Tillería Cáceres, Alcides Ramón Ramírez Paniagua and Felipe Nery Urbina Gamarra, for the punishable acts that were classified provisionally above, with the grounds for the action being determined by the facts described in the preamble to this order, which is circumscribed by the specific legal provisions applicable to each defendant in this case;
- To identify the following parties: the Public Prosecution Service, as represented by the prosecution officials, Jalil Rachid and Francisco Ayala Miranda; the defendants, Rubén Villalba, Felipe Benítez Balmori, Luis Olmedo Paredes, Adalberto Castro Benítez, Arnaldo Quintana Paredes, Néstor Castro Benítez, Lucía Agüero Romero, María Fani Olmedo Paredes, Dolores López Peralta, Juan Carlos Tillería Cáceres, Alcides Ramón Ramírez Paniagua and Felipe Nery Urbina Gamarra; the attorneys, Guillermo Ferreiro, María Del Carmen Morales Benítez and Vicente Morales; and the Public Defender, Joaquín Enrique Díaz;
- To admit the evidence provided by the prosecution and the respective defence counsels, which will be produced in the course of the oral and public trial and enumerated in the preamble of the relevant interlocutory order;
- To maintain the precautionary pretrial detention measure ordered against defendants Rubén Villalba, Felipe Benítez Balmori, Adalberto Castro Benítez, Arnaldo Quintana Paredes and Néstor Castro Benítez, as well as the house arrest of defendants Luis Olmedo Paredes, Juan Carlos Tillería Cáceres, Alcides Ramón Ramírez Paniagua, Lucía Agüero Romero, María Fani Olmedo Paredes and Dolores López Peralta, as stipulated in these orders;
- To order the transmittal of the record of proceedings, the present case file, the criminal investigation record, the evidence and other binding elements, to the trial court of the fifteenth judicial district of Canindeyú, within the statutory time limits.

34. On 20 December 2013, the trial court of Salto del Guairá granted alternative measures in place of the temporary detention of the female adolescent, RRVO, charged in the case. The young woman was prohibited from leaving her home; however, following the review of her case requested by her (female) defence attorneys, she regained her freedom of movement and is required only to appear before the Court periodically and to report any change of address.

35. As to the care provided for the prisoners awaiting trial, who had staged a hunger strike over their imprisonment, the register of actions taken by the Human Rights Directorate of the Supreme Court, indicates that, on 17 November 2012, a group comprising representatives of the above-mentioned Directorate, the Office of the Deputy Minister of Justice and Human Rights and the Office of the Director of the Coronel Oviedo regional prison, which are under the authority of the Ministry of Justice, met at the regional hospital in the city of Coronel Oviedo in order to ascertain the state of health of prisoners, Luis Olmedo, Juan Carlos Tillería, Alcides Ramón Ramírez and Lucía Agüero. Authorities from the above-mentioned hospital indicated that the prisoners had been examined on 15 and 16 November 2012, and stated that their health was stable but they were weak from hunger, and that they were still refusing to receive any medical treatment, drinking only water and that, despite medical advice, they did not want to drink milk or eat any other kind of food.

36. The delegation later visited the recovery ward of the hospital, where Luis Olmedo, Juan Carlos Tillería, Alcides Ramírez and Lucía Agüero were resting, and observed that the room had good lighting, ceiling fans and was properly ventilated; the prisoners confirmed that they were free to receive visits from their families. The prisoners were guarded by uniformed officers of the National Police and one plain clothes officer.

37. Through the joint efforts of the Human Rights Directorate and the Prison Oversight Unit of the Supreme Court, the above-mentioned prisoners were interviewed by a team of psychologists from the judicial branch, composed of Rossana Sosa, Miriam Vázquez, Gabriela Alvarenga and Linda Rodríguez, who spoke with each of the prisoners on hunger strike in order to assess their state of mind. In addition, the Director of the Coronel Oviedo regional prison reported that on the evening of 16 November 2012, prisoner Lucía Agüero was transferred to the Coronel Oviedo regional prison.

38. On 23 November 2012, after 59 days, the four prisoners involved in the investigation, Luis Olmedo, Juan Carlos Tillería, Alcides Ramírez and Lucía Agüero, ended their hunger strike. At the time the medical director of the national hospital, Mauritius Ortiz, stated that as soon as the prisoners ended the strike, a plan to put them back on a normal diet would be provided for them.

39. The oral trial of the peasants charged in the Curuguaty case was scheduled to take place from 26 June to 11 July 2014 in Salto del Guairá, in Canindeyú Department.

40. In the period between the preliminary hearing and the oral and public trial conducted by the court, sitting in the town of Salto del Guairá, defendants Rubén Villalba, Néstor Castro Benítez, Arnaldo Quintana Paredes and Felipe Benítez Balmori staged a hunger strike between February and April 2014 to demand that the pretrial detention ordered by the court be replaced with house arrest.

41. Pursuant to interlocutory order No. 49 of 12 April 2014, criminal trial judge No. 1 and current member of the collegiate trial court of Salto del Guairá, in the Canindeyú judicial district, Benito Ramón González, handed down a decision ordering pretrial detention of the accused, Rubén Villalba, Néstor Castro Benítez, Arnaldo Quintana Paredes and Felipe Benítez Balmori, under 24-hour secure police custody, in order to ensure their presence at the oral and public trial scheduled for the case, with the express indication that the order should take effect as upon the discharge of the prisoners from the military hospital in Asunción by their attending physicians.

42. The hunger strikers ended their strike when they were informed of the content of this judicial order.

43. It is important to note that an inquiry has been initiated by the Specialized Unit on Human Rights Offences under Case No. 46/12, concerning complaints of torture allegedly affecting the persons arrested in connection with the events of 15 June 2012 in Campos Morombí; it is currently at the investigation stage.

44. It should also be noted that Supreme Court decision No. 234 of 23 April 2014 rejected as inadmissible a special plea entered by the Campos Morombí company in the proceedings concerning the application for annulment brought by the Institute of Rural and Land Development (INDERT), in order to ascertain, once and for all, whether the tract of land does or does not belong to the State of Paraguay. As a result of this decision, the proceedings in question have been settled, and the Marina Kué tract — whose rightful ownership by the State had been challenged judicially by the above-mentioned company — has been declared public property.